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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,597	03/30/2004	John C. Gano	970194U1DIRIDIUSA	3129.

20558 7590 12/21/2004

KONNEKER & SMITH P. C.  
660 NORTH CENTRAL EXPRESSWAY  
SUITE 230  
PLANO, TX 75074

EXAMINER

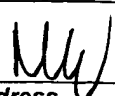
SUCHFIELD, GEORGE A

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/812,597	Applicant(s) GANO ET AL.	
	Examiner George Suchfield	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/24/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

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1. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

2. Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 6,189,616 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

3. The reissue oath/declaration filed with this application is defective because it fails to contain the statement required under 37 CFR 1.175(a)(1) as to applicant's belief that the original patent is wholly or partly inoperative or invalid. See 37 CFR 1.175(a)(1) and see MPEP § 1414.

4. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

5. The reissue oath/declaration filed with this application is further defective (see 37 CFR 1.175 and MPEP § 1414) because of the following:

It does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

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It does not state that the person making the oath or declaration has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

6. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

7. Claims 14-60 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect(s) is set forth above.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251.

8. Claims 14-60 are further rejected under 35 U.S.C. 251 as lacking basis for reissue because, by statute, a reissue application can only be granted for the unexpired portion of the term of the original patent. In this regard, no record of applicant paying any maintenance fee(s) can be found, which was due at 3.5 years from the patent date (February 20, 2001).

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 22-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

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art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

No basis can be found in the original disclosure to support the language or step in new claim 22, line 3 of “inflating the flow passage outwardly”.

Claims 23-29 are similarly deficient as they depend from claim 22.

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 14-17 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Head (5,918,677).

Head (note Figures 2, 3, 10 and 12C; col. 7, lines 26-38 and col. 9, lines 44-57) discloses a method and system for interconnecting respective tubing or casing sections (12-16), including a step or system completion wherein respective ends of the casings are permanently joined together, e.g., “by means of an expanding swaging tool” (col. 9, lines 50-57).

It is deemed that a casing or tubing section, such as tubing (14) can be construed as comprising “a wellbore connector”, as called for in claim 14, insofar as upon completion of the installation process, such tubing section will “connect” upper tubing section (13) with the lower

tubing section (15). It is further noted, in this regard, that the upper portion of tubing section or member (15) is clearly “expanded”, as indicated, e.g., in Figures 10 and 12C. It is further deemed that the adjacent lower end of the adjoining tubing section (14), i.e., the “wellbore connector”, will similarly, inherently or necessarily, be expanded as per the upper portion of tubing section (15), insofar as both ends are “permanently deformed together” and through the application of the “expanding swaging tool”.

As per claim 15, the entire inside surface of the wellbore connector, i.e., tubing section (14) comprises “a flow passage”, since the casing or tubing section is open on both ends.

As per claim 16, insofar as both tubing sections (14, 15) are “deformed together” as noted above, the lower tubing section (15) is clearly “sealed” within the wellbore connector (14).

As per claim 21, the resulting upper deformed or corrugated end of tubing section (15) (note Figure 10 or 12C) can be construed as a “grip member”, relative to the wellbore connector (14).

13. Claims 14-17, 22-25 and 30-40 are rejected under 35 U.S.C. 102(a) as being anticipated by the Russian Published Application (RU 2079633).

RU ‘633 (note the “Description:” of the provided translation and Figure 1) discloses a method and system for drilling and completing an additional or deviated wellbore off the main wellbore. In this regard, RU ‘633 in Figure 1 depicts an intermediate “shaped piping” or casing/tubing section (8) interconnecting a lower casing/tubing section (12) with the main wellbore (1). Accordingly, such intermediate casing or tubing section (8) can be construed as comprising “a wellbore connector”, as called for in claim 14. Also, the wellbore connector (8) is clearly expanded into borehole sections (7) and (9), as illustrated, while the lower “expandable

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shaped piping” or tubing or casing (12) is clearly expanded into the expanded wellbore connector region (14), as further called for in claims 14, 22 and 30.

Further with regard to independent claims 22 and 30, the well connector (8), i.e., shaped piping, is expanded before the lower tubing or piping (12) is expanded, with the initial expansion thereof effected by fluid pressure or “inflating”.

Upon expansion of the lower tubing (12) into the lower expanded region (14) of the wellbore connector and enlarged borehole, the upper end (13) of lower tubing (12) will be inherently or necessarily expanded, sealed and/or plastically deformed within said expanded region (14), especially as the illustration of Figure 1 clearly depicts a metal-to-metal seal (note the deformation depicted), as called for in claims 15-17, 23, 32, 33 and 37-40.

As per claims 24 and 34, note the translation indicates the two-phase expansion of the respective tubing section comprises an initial phase wherein the casing or tubing, such as (8) or (12) is secured to the end of a drill string, thus preventing movement relative to the wellbore connector during the expansion.

As per claims 25 and 31, the tubing or piping section (8) comprising the wellbore connector comprises a “flow passage” defined by the piping inner surface.

As per claim 35, insofar as additional “expandable shaped piping” or tubing sections may be installed below the depicted tubing section (12), such tubing section (12) can be construed as “a hanger”, since such lower tubing sections will be connected to, or “hang” from tubing section (12).

As per claim 36, the expansion of both the wellbore connector and tubing section (12) would appear to comprise “a generally cylindrical shape”, as depicted in the figures.

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14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Other references cited disclose well completions and manipulations including the expansion of one or more well apparatus components or elements within the wellbore.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Suchfield whose telephone number is 703-308-2152. The examiner can normally be reached on M-F (6:30 - 3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
George Suchfield  
Primary Examiner  
Art Unit 3672

Gs  
December 15, 2004